

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NICOLA FARINA,

Plaintiff,

-against-

MICHELET JN LOUIS and WERNER
ENTERPRISES INC.,

Defendants.

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Docket No.:

NOTICE OF REMOVAL

Defendants WERNER ENTERPRISES, INC. and MICHELET JN LOUIS allege as follows for their notice of removal:

1. On or about August 4, 2021, Nicola Farina filed a complaint against Michelet JN Louis and Werner Enterprises, Inc. in a civil action for money damages in New York Supreme Court, Kings County, under index no. 519558/2021.
2. Defendants Michelet JN Louis and Werner Enterprises, Inc. served an answer to the complaint on or about October 22, 2021.
3. In accordance with 28 U.S.C. §1446(a), copies of the Summons, Complaint, Defendants' Answer and all other papers served upon Defendants or filed in the State Action are attached hereto as a composite Exhibit A.

4. This action is removable to this court under 28 U.S.C. §1441, in that the amount in controversy exceeds the sum of seventy five thousand dollars (\$75,000.00), exclusive of interest and costs, the citizenship of the parties is completely diverse, no defendant is a citizen of New York, and this notice is filed within 30 days of defendants' receiving a response to their Demand for Damages.

5. Plaintiff was and is a citizen of the State of New York when this action was commenced and, upon information and belief, at the filing of this notice. Per the plaintiff's MV-104, Exhibit B, Plaintiff resides in Brooklyn, New York, Kings County.

6. Defendant Werner Enterprises, Inc. is a Nebraska Corporation having its principal place of business in Omaha, Nebraska, Douglas County.

7. Defendant Michelet JN Louis is a resident of Pottsville, Pennsylvania, Schuylkill County.

8. The allegations above as to defendants' citizenship were true when the action was commenced and are true when this notice is filed.

9. Neither the Summons nor the Complaint states the amount plaintiff demands as damages. Plaintiff responded to defendants' Demand for Damages on or about March 29, 2022, showing plaintiff's demand to be \$5 million, whereupon the action became removable. The response to Demand for Damages is annexed as Exhibit C. This notice is filed within thirty days of receipt of the plaintiff's response to Demand for Damages.

WHEREFORE, Defendants Werner Enterprises, Inc. and Michelet JN Louis, pray that this action now pending against them in the Supreme Court of the State of New York, Kings County, be removed therefrom to this Court.

Dated: New York, New York
April 8, 2022

Yours, etc.

LESTER SCHWAB KATZ & DWYER, LLP

s/Allyson B. Belmont

Allyson B. Belmont
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